

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY BUTLER, :
as Administrator of the :
Estate of Aleshia Butler, :
the decedent, : CIVIL ACTION NO. 3:12-CV-2038
Plaintiff : (JUDGE MANNION)
v. :
MOUNTAIN VIEW :
SCHOOL DISTRICT, :
Defendant :
:

ORDER

Pending before the court is the defendant's motion to dismiss. (Doc. No. [8](#)). For the reasons stated in the Memorandum of this date, **IT IS HEREBY ORDERED THAT** the defendant's motion to dismiss is **GRANTED** as follows:

- (1) Counts 1, 4 and 5 are **DISMISSED WITH PREJUDICE**;
- (2) Counts 2 and 3 are **DISMISSED WITHOUT PREJUDICE**;
- (3) The plaintiff may file an amended complaint with respect to Counts 2 and 3 on or before **September 9, 2013**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: August 26, 2013